

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08 CR 107**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>WARREN EDWARD FORNEY.</b>	)	
	)	

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**THIS CAUSE** coming on to be heard before the undersigned, pursuant to a pleading filed by the defendant entitled “Motion to Dismiss Counsel for his Ineffectiveness” (#50) which the undersigned has considered as a motion that substitute counsel be appointed in place and stead of his present court appointed attorney, Walter Daniels. In the pleading, the defendant also request that he be allowed to withdraw his plea of guilty in this matter.

At the call of this matter on for hearing, the undersigned conducted an inquiry with the defendant in a sealed proceeding. During the inquiry made by the undersigned, the defendant advised the court that he wished to withdraw his motion that substitute counsel be appointed in place and in stead of Mr. Daniels. As a result, the undersigned will enter an order herein denying the “Motion to Dismiss Counsel for his Ineffectiveness” (#50).

In open court, with the United States Attorney present, the undersigned addressed the issue of the request of the defendant to be allowed to withdraw his plea.

The undersigned determined to allow the defendant further time to consult with his counsel regarding such a request. The undersigned will deny that portion of the defendant's motion without prejudice and will allow the defendant and Mr. Daniels up to and including August 12, 2009 to renew this motion if the defendant and his counsel wish to make such motion.

## ORDER

IT IS, THEREFORE, **ORDERED** that the "Motion to Dismiss Counsel for his Ineffectiveness" (#50) considered by the undersigned as a motion to appoint substitute counsel is hereby, at the request of the defendant, withdrawn and is **DENIED** and the portion of the motion requesting that the defendant be allowed to withdraw his plea of guilty is hereby **DENIED** without prejudice and the defendant and his counsel are allowed up to **August 12, 2009** to file a motion requesting permission to withdraw the plea of guilty.

Signed: July 31, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

